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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,651	11/09/2001	Shinsuke Yamaguchi	57454-299	5602
20277	7590	02/13/2004	EXAMINER	
MCDERMOTT WILL & EMERY 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			JONES, SCOTT E	
			ART UNIT	PAPER NUMBER
			3713	7

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/986,651

Applicant(s)

YAMAGUCHI, SHINSUKE

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to the amendment filed on November 24, 2003 in which applicant amends claims 1-4 and 6-7, corrects figures 2, 12, and 13, submits a substitute specification, and responds to the claim rejections. Claims 1-7 are pending.

***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ugawa (U.S. 5,836,819).

Ugawa discloses an image display type game machine including an image display apparatus that can provide an image display of a play field, a flipped ball moving around the play field, and a variable display device that can cause the visual representation of the display to change. The image display type game machine includes a game starter condition detection unit for detecting establishment of a predetermined game starter condition, an automatic ball-shoot display control unit for providing an image display of a ball automatically flipped into the play field when the game starter condition detection unit detects establishment of a game starter

condition, and a variable display control unit for providing an image display control of producing a display result after the variable display device begins to change its visual representation (column 6, lines 8-22). Ugawa additionally discloses:

Regarding Claim 1:

- shooting count storage means for storing a number of the play mediums available for shooting into said play field (Fig. 1 (10)(11) and column 13, lines 9-17);
- start designation manipulation detection means for detecting a shooting start designation manipulation for designating start of shooting of the play mediums into said play field, which is different from a manipulation to cause a prescribed member to rotate (Fig. 1 (24), column 6, lines 13-15, and column 10, line 62);
- shooting control means for causing a shooting operation of the play mediums by the number stored in said shooting count storage means into said play field to be started in response to detection by said start designation manipulation detection means, and causing the shooting of the play mediums to be stopped once the play mediums of the number stored in said shooting count storage means have been shot (Fig. 1 (24), column 6, lines 13-15, and column 10, line 62); Furthermore, a player can no longer shoot balls (play mediums) when they run out of balls (Column 12, lines 58-60).
- stop designation manipulation detection means for detecting a shooting stop designation manipulation of the play mediums (Column 13, lines 9-35); A player designates a stop shooting control means by virtue of the amount bet for each game. For instance, if the bet-one button is pressed, it is associated with a predetermined

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number of balls to be played in the game. Therefore, once these balls are shot, the play media stop shooting.

- wherein said shooting control means causes the shooting of the play mediums to be stopped in response to detection by said stop designation manipulation detection means (Column 13, lines 9-35).

Regarding Claim 2:

- shooting count display means for displaying the number of the play mediums stored in said shooting count storage means in an identifiable manner (Fig. 1 (10)(11) and column 13, lines 9-17).

Regarding Claim 3:

- accounting manipulation detection means for detecting a manipulation for settling a play result, wherein said shooting control means causes the shooting of the play mediums to be stopped in response to detection by said accounting manipulation detection means (Column 6, lines 39-32, column 7, lines 1-13, and column 10, lines 55-59). When a player settles a play result by pressing button (21), no balls or credits are left over because a player has been “paid out”. Therefore, since no balls or credits are available, the shooting of the balls (play mediums) would inherently stop.

Regarding Claim 4:

- said shooting control means causes the shooting operation of the play mediums to be restarted when the number of the play mediums that is stored in said shooting count storage means is incremented within a predetermined time period from a time point when the shooting of the play mediums was stopped as the play mediums by the

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number stored in said shooting count storage means had been shot, even if said shooting start designation manipulation is not effected (Column 16, lines 1-32, 47-63 and Figs. 6-9). Once a player inserts more money into the machine and the money is detected by the machine, then a player is provided credits or balls equivalent to the amount of money inserted into the machine. Thus, the shooting operation of the balls (play mediums) is restarted.

Regarding Claim 5:

- said play field, said play medium and said winning region are displayed as images by an image display device mounted to said game machine (Fig. 1 and column 6, lines 8-13).

Regarding Claim 6:

- select manipulation detection means for detecting a manipulation for selecting the play field, wherein said image display device displays one of a predetermined number of different kinds of play fields in accordance with a detected result of said select manipulation detection means (Column 7, lines 55-60).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ugawa (U.S. 5,836,819).

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Ugawa discloses to one having ordinary skill in the art that as discussed above regarding claims 1-6. However, Ugawa seems to lack explicitly disclosing:

Regarding Claim 7:

- wherein said shooting start designation manipulation means and said shooting stop designation manipulation means are formed of a transparent electrode film (touch screen).

However, to one having ordinary skill in the art at the time of Applicant's invention, it was notoriously well known to use touch screen technology in gaming machines to:

- enable a player to set gaming preferences.
- request a payout.
- start a game (such as to start spinning a set of reels).
- place a bet.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to incorporate touch screen technology for the start and stop shooting designation manipulation means. One would be motivated to do so because mechanical pushbuttons have a limited lifespan, that is, pushbuttons have mechanical parts that eventually fail, whereas, touch screen technology provides an easy and somewhat effortless way for a player to start a game, stop a game, or select game preferences for a game from a menu on a display.

### ***Response to Arguments***

7. Applicant's arguments filed November 24, 2003 have been fully considered but they are not persuasive.

8. Applicant's arguments, see pages 8 and 9, filed November 24, 2003, with respect to figures 2, 12, and 13 have been fully considered and are persuasive. The objection of the drawings has been withdrawn.

9. Applicant's arguments, see page 9, the substitute specification, and the substitute specification with markings, filed November 24, 2003, with respect to the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.

10. Applicant's arguments, see pages 4-6 and 9, filed November 24, 2003, with respect to the rejection to claims 1-7 under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive. The rejection to claims 1-7 under 35 U.S.C. 112, second paragraph has been withdrawn.

11. Applicant alleges Ugawa does not teach "stop determination means for detecting an input from the user to stop shooting the play media" and "controls to stop shooting the play media in response to said stop detecting means detecting the input from the user to stop shooting the play media" as recited in claim 1. The examiner respectfully disagrees. A player designates a stop shooting control means by virtue of the amount bet for each game. For instance, if the bet-one button is pressed, it is associated with a predetermined number of balls to be played in the game. Therefore, once these balls are shot, the play media stop shooting. Therefore, the examiner maintains the reference anticipates the claims.

12. Applicant alleges claims 2-7 are allowable by virtue of being dependant upon claim 1. However, Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.



13. For the reasons discussed hereinabove, the examiner maintains the rejection as stated in Office Action, Paper No. 5.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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